IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 4581 of 2007(E)

CRA.286/2006 of SESSIONS COURT, KOZHIKOE
ST.88/2005 of JUDL.MAGISTRATE OF FIRST CLASS-I, THAMARASSERY

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REVN. PETITIONER/APPELLANT/ACCUSED:

K.V. DAVIS, S/O. VARGHESE,
DEVIS TYRES, POOVATTUPARAMBA,
KOZHIKODE.

BY ADV. SRI.SANTHARAM.P

RESPONDENTS/COMPLAINANT & STATE:

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1. M/S. SOUTHERN AGENCIES,
   KUNNAMANGALAM, KOZHIKODE REP. BY PROPRIETOR,
   K.A. JAYAPRAKASH, S/O. KUNHAMBU NAIR,
   KOODATHIL VEEDU, CHERUVANNUR.

2. STATE REP. BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA.

BY ADV. SRI. K.S. SIVAKUMAR, PUBLIC PROSECUTOR
SRI.SUNNY MATHEW

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. No.4581 of 2007

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Dated this the 18th day of December, 2007

ORDER

The accused in ST.No.88 of 2005 on the file of the Judicial First Class Magistrate, Thamarasserry for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A.No. 13566 of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. Even though the petitioner in the compounding petition is the accused, the petition is signed by the counsel for the accused since the accused is at present abroad and also been signed by the respondent/complainant as well as his counsel. Then this composition is accepted and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C.

This Crl. R.P. is disposed of as above.

V. RAMKUMAR,JUDGE.

rv

V. RAMKUMAR, J.

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Crl.R.P. No.

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Dated this the day of October, 2007

ORDER

The accused in C.C. / ST. No.....on th**e file** of the J.F.C.M, for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A.No. of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C. Money, if any, deposited by the revision petitioner pursuant to the orders, if any, passed by the lower appellate court shall be refunded to the revision

petitioner/accused.

This Crl. R.P. is disposed of as above.

V. RAMKUMAR, JUDGE

rv